IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPPLICATION NO. 45 OF 2003.

Shri Digamber V. Lotlikar
Proprietor of M/s. Dialo Oil
Distributors, Japan Bazaar,
Thana, Cortalim, Goa. ... Applicant/
Accused.

VERSUS

Shri Prashan Pai,
Partner of M/s Bhavana Traders,
having their office at
Safalya, Dr. D.V.Road,
Boca-de-Vaca, Panaji, Goa. ... Respondent/
Complainant.

Shri S.F. Dessai, Advocate for the Applicant absent.

Shri Umesh Rao, Advocate for the Respondent.

CORAM: N.A. BRITTO, J.

DATE: 16TH JULY, 2004.

ORAL JUDGMENT:

The applicant-accused has chosen to remain absent.

2. Heard Shri U. Rao on behalf of the respondent/complainant.

3. The applicant/accused was convicted and sentenced by the Order of the learned Judicial Magistrate F.C., Panaji under Section 138 of the Negotiable Instruments Act, 1881 to undergo S.I. for six months and to pay a fine of Rs.5000/-, in default to undergo S.I. for one month.

4. The applicant preferred an appeal against the said conviction and sentence and the said appeal being Criminal Appeal No.10/02 came to be dismissed by the learned Addl. Sessions Judge (II), Panaji by his Judgment/order dated 20.5.2003.

5. Before this Court, it appears that this revision was partly heard before on 15.1.2004. Thereafter a last opportunity was given to the applicant/accused on 25.6.2004 to compound the case as desired by the applicant/accused or to proceed with the present revision on merits.

6. As far as the facts go, there are concurrent findings of both the courts below. As far as the jurisdiction is concerned, it has been submitted by Mr. Rao that the said plea was not raised before the learned J.M.F.C. but was raised for the first time before the Appellate Court and which has been sufficiently dealt with by the learned Addl. Sessions Judge by relying on the case of **Bhaskaran v. Sankaran Balan** (1999 Cri.L.J.4606).

7. I find there is no merit in this revision and

apparently it was filed only to gain time. Consequently the revision petition is hereby dismissed.

N.A. BRITTO, J.

sl.